

THE MADISONIAN.

WASHINGTON CITY.

THURSDAY EVENING, SEPTEMBER 7, 1844.

IN THOSE THINGS WHICH ARE ESSENTIAL LET THERE BE UNITY—IN NON-ESSENTIALS, LIBERTY; AND IN ALL THINGS CHARITY.—Augusta.

NO BANK—A REVENUE TARIFF—NO DISTRIBUTION—NO ABOLITIONISM—A STRICT CONSTRUCTION OF THE CONSTITUTION, AS BY JEFFERSON—NO PUBLIC DEBT—AN ECONOMICAL ADMINISTRATION OF PUBLIC AFFAIRS—AND UNIVERSAL SUFFRAGE WITH UNIVERSAL EDUCATION.

MR. CLAY.

The idea of confining the Presidential service of an individual to a single term of four years, was early adopted by General Harrison and some of his friends, and formed a prominent and popular topic during the last election.

Whether such a practical innovation upon the actual working of the Constitution would be wise; whether it would not be likely to create more evils than it would cure; whether it would not dangerously enfeeble the Executive for the time being; whether it would not multiply candidates for the Presidency, geometrically, as chances would be increased, arithmetically; whether, in short, the success of such an opinion would not tend to keep the country always unsettled and uncertain, in its administration of affairs, are questions too great and important to be now discussed. Mr. Clay did not enter, early, into this notion. He did come into it, however, and made it a part of his Whig platform, at the Hanover dinner. Mr. Clay, by the way, is always laying down platforms; and in '41 and '42 his political carpentry seemed to content itself with platforms, without any attempt to raise a superstructure. He seemed to think that a good plan, a large and comprehensive theory, was not only something, but every thing. What measure did he attempt to accomplish, by his majority in the last Congress, for the relief of the country? not one, not one. He kept himself within generalities, plausibilities, small economies, and other popular topics of practical discussion and declamation. As to measures, he essayed nothing. As to acts, he did nothing. Such things were not within the scope of his policy; which policy was, clearly and evidently, that the country was not to be relieved for three years afterwards. But, returning to the subject of the "one term principle"—it is certainly true, that although not its early advocate, Mr. Clay did become greatly attached to it, after the result of the *Harrisburg Convention*. He then became satisfied, from his long experience, that the one term principle was essential to the salvation of the Republic. He wondered how such an auspicious change in the practice of the Government had not struck his clear and comprehensive mind in the times of Mr. Adams. He could not account for the obscurity of his sagacity, at that day. It is true, that he is older now than in the days of Mr. Adams. It is true, he may not feel that he has strength enough remaining to gratify his patriotism by laboring for his country for more than four years, beginning at the point, which even now, looms amidst the mists of future time, till it seems already to be just at hand, the first of March, 1845. It is true, that when that glorious day shall arrive he will be somewhat advanced in life, and none the younger for that curious *quasi* statement of his own age, which he put forth in his last speech in the Senate. He went to Kentucky forty-seven years ago, it seems, not exactly "an orphan not come to his majority," but "as an orphan not come to his majority." Really, Mr. Clay's years have been so fortunate and happy, that it would appear no more than common gratitude to Providence to acknowledge the whole of them.

But we stray from our intended path. General Harrison's death raised a new question, under the one term principle. He died one month after his inauguration, and was succeeded by Mr. Tyler. Now arose the inquiry, "Did Mr. Tyler come within the one term principle?" He had almost one whole term to serve, but not quite. If General Harrison had lived three years, or two years, or even one year, the matter might have been clear. The remainder, in that case, could hardly be regarded as a term. But, as if the fates designed to perplex Mr. Clay, and keep him on the torture of uncertainty and suspense, General Harrison's early death left Mr. Tyler three years and eleven months—three whole years and eleven whole months! Why, in all conscience, should not that go for a term? It lacks but a month. Mr. Clay, who is fond of compromises, would gladly compromise for three years and eleven months. But then, again, does not the one term principle require the honor of a popular election to the Presidency? Is it satisfied, by a mere succession from the Vice Presidency, whether for a shorter or a longer time? These were knotty points; and surely the meditations of Ashland were never more perplexed than with the uncertainties which hung about these "three years and eleven months?" This is what we call, at our chancery courts, by *pos*—but it is one term.

In this state of things Mr. Clay came to Washington, in May of 1841; and he had not been here ten days, before seeds were sown, the bitter fruits of which the country has since tasted. Mr. Clay could get no satisfaction upon the subject of the one term principle—still less could he see any certainty that this Administration would be conducted with a leading view to his future elevation. This is the true solution of the conduct adopted by him at the extra session, and steadily pursued to the present moment. He would not have quarrelled with the President about a Bank, if all had been well in regard to the prospects of the succession. No, not for an instant. If he had been assured that the present incumbent would not have been in his way in 1844, and that, in the mean time, the path would become smooth for his ascent to the Presidency, is there any man who supposes he would have made it a great point of difference with the President, that in the plan of a Bank the States should have a voice about branches? No man can believe any such thing. Mr. Clay, in such a juncture, would have had immediate recourse to his sovereign remedy of compromise; he would have enlarged on the respect due to constitutional scruples; would have said that he had once entertained such scruples himself, which made him more charitable and indulgent to others who still entertained them; would have preached conciliation and deprecated disunion; would have wept (for he can

weep) at the very idea of a severance between the President and the Whigs of Congress, for any such cause as that; and by a vigorous lead, and those efforts at rallying, of which he is so capable, would have carried a constitutional bill triumphantly through both houses of Congress. We state this as our clear opinion, our most sincere belief, and we put it to the conscience of every candid man, if it be not his conviction also?

Is there a man, who was in either House of Congress, who doubts that Mr. Clay would have supported some constitutional currency bill, carried it through, and thus given the Administration grounds to hope for success, if he had regarded the success of this Administration as favorable to his own personal objects? No, not one. No man doubts it; and Mr. Clay himself doubts it least of all. Mr. Clay's conduct, then, from the very first, had its policy, its hopes, and objects, all centered in opposition to Mr. Tyler's Administration, and in the chance of defeating its success. It is incredible, to what excess expectations were carried, in respect to this. It is a truth, that toward the end of the extra session, Mr. Clay and his friends expected nothing less than to drive Mr. Tyler to an immediate resignation, and that there would be, forthwith, a new election of President. All this was to have been brought about by the resignation of the Cabinet, and by the Manifesto of the Capitol Square, and other places, by which it was thought the People could be made as much exasperated as certain of the members of Congress had become. How foolish, how insane, were such ideas. Who can look back upon September 1841, without thinking that some spell, some unaccountable delusion, some contagious infatuation, had seized upon minds usually sane, sensible, and patriotic.

Some time since we published a letter written by General Jackson, which pointedly rebuked the Globe for assailing President Tyler because he signed the repeal of the Sub-Treasury. General Jackson said emphatically that he ought not to be censured by Democrats for carrying out, as he believed he was doing, the will of the majority.

Since we published that letter, the *Missouri Standard*, Mr. Benton's peculiar organ, contained the following manifesto:

"The greatest error committed by the administration of General Jackson, was the choosing of the State Banks as receptacles for the public treasure. Had he, instead of selecting deposit banks, presented the Independent Treasury plan, for keeping the public moneys, and used his influence to procure its adoption, we believe it would have been vastly better for the country, and the Democratic party would not have lost the important battle of 1840. There would, no doubt, have been much opposition to the measure by those members of Congress who were interested in the State Banks, but still, in all probability, it would have been carried, and the country saved from the evil effects of the State Bank system. However, there is no use lamenting over that mistake of Jackson's administration—he and his advisers no doubt believed they were acting for the best; they had proceeded, too, without the sure light of experience, which the Democratic party now possess, and which will guide them in their endeavors to atone for the mistake they made in adopting the State Bank system."

The United States Gazette seems to admit that there was an application made to appoint a "near relative" of his to a post in the Army or Navy. Well, was the application illegal? Had not his friends a right to apply? We cannot see any thing wrong in it. But while such an application is pending, we think it indelicate for those who recommend the applicant, to indulge in harsh abuse of others who seek similar posts under the Government administered by President Tyler. But all this only makes the editor of the Gazette the more convulsive. We know not what he means by the following:

But the family of the President has thought to strike home to the writer of this, by the former letters, and the Madisonian thinks to follow up the small assault. Let them take the consequence—they have provoked it, and we shall, before they get through with it, let them feel that, low as they are in public esteem, there is a lower deep into which they may be plunged.

We shall, at a moment of greater leisure, touch delicately, but certainly, upon certain matters which will show how executive patronage has gone, and why it is necessary to include the army and navy in the list of Presidential favoritism. If the Madisonian and the National Aids are wise, they will take the hint; if they wish any thing more said, they will only give us the hint, and we will show up favors and flattery.

The unmeaning (though certainly unbecoming) epithets, we care nothing about. As for the "hint," we care nothing for that either. We are entirely ignorant of any transaction in which the "family of the President" was concerned, the disclosure of which by the editor of the Gazette we should deprecate. If the Gazette includes us in the threat, he may speak out just as soon as he pleases.

The Gazette says we in effect repeated the charge made by the letter-writers. We did no such thing. We alluded to it, (in reply to his allusion to it,) and said we had never taken the pains to ascertain its correctness. Neither have we yet—and will not, unless it becomes necessary.

OREGON TERRITORY.

By the following extract from the Edinburgh Review, the most influential of the British periodicals, it will be seen the importance of the Oregon question is awakening the minds of the English People. The Reviewer speaks of English pretensions and English views, in the tone of arrogance so natural to the country.

Our own country, we are happy to see, is likewise aroused to a consideration of the subject—and ere long, we feel confident, some decisive steps will be taken to assert our rights to our own soil.

The historical memoir of Mr. Greenhow, the Librarian of the State Department, is mentioned in the Review with praise for its merits. It is an able production, and its author deserves well of his country. We are happy to hear he intends preparing a still more elaborate history of the Oregon Territory.

"The land which is to command the North Pacific, and give the law to its myriad islands, cannot long remain uncoccupied. It calls loudly on those who have foresight—on those who can estimate the promise of the future—to forecast in destiny. The Americans never show themselves deficient in this branch of political wisdom. They are familiar with what we can scarcely realize—the rapid march of time in the western world."

"Surely it well behooves us who have an interest in every new corner of the earth, to note the signs of these changes, and turn them to our profit when we may. And one thing strikes us forcibly. However the political question between England and America, as to the ownership of Oregon, may be decided, Oregon will never be colonized overland from the stern States. It is with a view of pointing out the entire distinctness of the two regions that we have gone, perhaps at tedious length, into a description of the geographical peculiarities of the vast space which separates them."

"It is six or seven hundred miles from the western

most limit of the fertile part of the Prairies, to the cultivated region of the Columbia. Six months of the year, the whole of this space is a howling wilderness of snow and tempests. During the other six, it exhibits every variety of hopeless sterility—plains of arid sand, deserts of volcanic rock, hills covered with bitter shrubs, and snowy mountains of many days' journey; and its level part is traversed by the formidable predatory cavalry we have described—an endless myriads of nomadic savages and endurance, who cannot be tracked, overtaken, or conciliated. We know and admire the extraordinary energy which accompanies the rambling habits of the citizens of the States; we know the feverish, irascible tendency to press onward, which induces the settlers to push to the utmost limits of practical enterprise, regardless of the teeming and inviting regions they may leave behind. Still with these natural obstacles between, we cannot but imagine that the world must assume a new face before the American wagons make plain the road to Columbia, as they have done to the Ohio. In the mean time the long lines of coast invite emigration from the over-peopled shores of the old world, and the stimulus of Darien is rendered "traversable, the voyage will be easier and shorter than that to Australia," which thirty thousand of our countrymen have made in a single year. However, therefore, are to be the future owners of Oregon, its people will come from Europe.

The Americans have taken up the question in earnest; their press teems with writings on the subject; we need only mention the able *Memoir* of Mr. Greenhow, Translator of the Department of State, in which their claim is historically deduced with much ingenuity. French writers, as may be supposed, are already advocating the American view. Let us abandon ours, from motives of justice, if it be proved not worth contesting—but not in mere indolence. Let us not fold our hands under the idle persuasion that we have colonies enough; that is more labor vain to scatter the seeds of future nations over the earth; that it is but trouble and expense to govern them. If there is any one thing on which the maintenance of that perilous greatness to which we have ascended depends, more than all the rest, it is Colonization; the opening of new markets, the creation of new customers. It is quite true that the great field of emigration in Canada and Australia promise room enough for more than we can send. But the worst and commonest error respecting Colonization is to regard it merely as a means of increasing the number of the people. What we want is, not to draw off dribblets from our teeming multitudes, but to found new nations of commercial allies."

The Globe denounced the Compromise act at its passage—declared that Clay and Calhoun had formed a corrupt coalition on that measure—and now it denounces the President (and falsely) for assisting to repeal it, when the Tariff act, which superseded it, was passed by the casting vote of Mr. Wright, in the Senate, and the votes of 20 or 30 Democrats in the House.

Correspondence of the Madisonian.

CHARLESTON, S. C., Sept. 4, 1843.

DEAR SIR: You will have noticed the commencement of a series of able articles in vindication of the President, in the Courier of this city, which I beg you to copy. [We had laid them aside for that purpose, before the letter of our correspondent reached us.—Ed. Mad.]

The Mercury, to-day, contains extracts from Northern papers, and a letter from New York, which, it seems to me, indicate a spirit of bitter hostility to the friends of Mr. Tyler. This, I fancy, will put an end to the Globe's attempts, by insinuation, to create the impression that Mr. Tyler is disposed to form a coalition with Mr. Calhoun. I do not believe that Mr. Tyler would consent to form a coalition with any Presidential aspirant. What would he gain by it? He might serve one of the half dozen candidates, and perhaps be thanked for it—but would he not reap the enmity of all the others? I believe, and my information comes from good sources, that, of the Democrats appointed to office, President Tyler has made an impartial apportionment among the friends of the several Republican Presidential candidates, and the anti-Bank Harrison and Tyler men. This is right. Still, I am now, as ever, (as you know,) opposed to making removals at all, unless it be for some other cause than a mere difference of opinion. But those who vilify the Chief Magistrate, (and there are some in your city,) should always be dismissed without hesitation—and none but anti-Bank men appointed.

The President's principles—his vetoes—are enough to entitle him to the place of honor in the Republican ranks. If these will not ensure his nomination in 1844, they will in 1848. And I am of the impression that removals to oblige this or that candidate, when they disoblige all the others, would, at this juncture, rather injure than brighten his prospects either in 1844 or 1848. Indeed, I have just received a letter from a relation in Connecticut, which states that a certain office-holder in that State, who is a Calhoun man, is doing all in his power against President Tyler, and is any thing else but friendly to your paper. [We think we know who it is very well.—Ed. Mad.] And while he is operating in this manner, the friends of Mr. Van Buren, Gen. Cass, Col. Johnson, and Buchanan, are abusing Mr. Tyler for having appointed him! So you see how disadvantageously the thing works. You may hear from me again if you venture to print this. [We venture.—Ed. Mad.]

J. B. JONES, Esq.

From the New York Herald.

CALHOUN MEETING IN THE PARK. A large concourse of people assembled in the Park yesterday afternoon, in accordance with a call for the friends of Calhoun. Dr. Stephen Hasbrouck of the 14th Ward, the active opponent of the recent School Law, was made chairman, and some dozen other persons appointed assistant officers. There was very little enthusiasm in the meeting, although a large portion of the audience, through which we moved, appeared to talk and act as though opposed to Van Buren. James H. Brady, Esq., being called for, addressed the meeting in a speech of over half an hour, in which he avowed his preferences for Mr. Calhoun as President of the country, and dwelt forcibly upon the principles that this statesman has nailed at his masthead.

Mr. Barber followed, and the meeting adjourned with great quietude and decorum.

Long and earnest resolutions, of the usual character, were presented and adopted, and a declaration of principles of the Calhoun party of this city.

THE DESPATCHES AND LETTERS OF HERNANDO CORTES, the Conqueror of Mexico, addressed to the Emperor Charles V., written during the conquest, and containing a narrative of its events. Translated from the original Spanish by Geo. Folsom, 1 vol. 8vo. Published by Geo. Folsom, 1 vol. 8vo. For sale by F. TAYLOR, or by circulation among the subscribers to the Waverley Circulating Library. Sept 7—3t

SHIPWRECKS AND DISASTERS AT SEA—being historical narratives, in 1 volume, 427 pages, and 100 engravings. Just received, price 75 cts. Sept 7 F. TAYLOR.

LONDON MUSIC—The Harmonist, 2 volumes folio, London, 1843, a Musical Companion of Classical and Popular Music, for the voice, Piano and all the great instruments; also, English, Scotch and Irish Melodies and National Airs of other countries, duets, glees and overtures, waltzes, rondos, &c. &c. in great variety, complete in two volumes, very handsomely bound. A single copy, just imported by F. TAYLOR, and this day received. Sept 3

REVIEW OF HISTORY, &c., &c.

[CONCLUDED.]

The second period opens with the question of the Austrian succession, which gave rise to the continental war of 1740, on the death of the emperor Charles VI., and to the seven years war, in which Frederick, called the great, acting in flagrant contradiction to the just and benevolent maxims he had so ably expounded in his *Anti-Machiavel*, finally succeeded in stripping Austria of one of her fairest provinces, and advanced Prussia to the rank of a first rate European power. Among the public jurists of this period, the author enumerates the German philosopher Wolf, "the slumber of whose once celebrated work, in nine ponderous tomes, is probably not now often disturbed by the student of public law, as all that is really valuable in its contents has been incorporated into the lighter and more elegant treatise of Vattel, a diffuse, unscientific and superficial, but clear and Liberal writer, whose work still maintains its place as the most convenient abridgement of a branch of knowledge which calls for the skill of a new builder."

This work, whatever may be its defects, must ever be prized, like the treatise of Beccaria on Crimes and Punishments, as having first thrown a clear and steady light upon the respective sciences of which they treat. But the most accomplished public jurist of this period, according to Mr. W., was BYNKERSHOEK, whose treatises on the laws of war and on the rights of ambassadors, are, in his opinion, above all praise. Holland, which had laid the foundations of this science under Grotius, who united the character of lawyer, statesman, and Christian philosopher, is also entitled to the credit of completing the structure under the greatest of her civilians, BYNKERSHOEK. Our author here resumes his historical deduction of the progress of the maritime law of nations, and gives a full account of the celebrated controversy between Great Britain and Prussia respecting the Silesia loan, which gave occasion for the assertion by Frederick II., of those principles of neutral navigation and commerce which subsequently formed the groundwork of the Armed Neutrality of the northern powers during the war of the American Revolution. He then reviews the history of the rights of embassy, going back to the essay of Albericus Gentilis, *de Legationibus*, and concluding with a minute analysis of Bynkershoek's treatise *de Foro Legationum*. This period is closed by a notice of the well meant, but visionary project of the Abbé de St. Pierre, for realizing the philanthropic dream of perpetual peace, which, by a sort of pious fraud, attributed to Henry IV. and his minister Sully, the real object of whose policy was the aggrandizement of France at the expense of the house of Austria. This project was afterwards glossed over by the eloquence of ROUSSEAU, and republished in 1761, under the modest title of "Extracts from the Project of Perpetual Peace, by the Abbé St. Pierre," but which is strongly marked with the seal of the original and peculiar genius of the Genevan philosopher.

The third period opens with what the author justly terms the most flagrant "violation of the principles of natural justice and of public law which has occurred since Europe emerged from barbarism"—the first partition of Poland in 1772. Not that this transaction was the earliest example of similar attempts in the history of modern Europe to dismember a great State, and to divide its different people among the neighboring powers, without regard to their welfare or wishes. Charles II. of Spain had seen the dominions of the Spanish monarchy parcelled out, whilst he was yet living, among those who coveted its rich possessions, and it was resentment, for this audacious act, which induced him to make a will in favor of the Duke d'Anjou, leaving him the entire inheritance to this grand son of Louis XIV. A similar attempt was made after the death of Charles VI., Emperor of Germany, the last male descendant of the house of Hapsburg, whose famous pragmatic sanction in favor of his daughter, Maria Theresa, had been guaranteed by nearly all the powers of Europe. But these great political crimes were never consummated. The Austrian and Spanish monarchies survived these attempts on their integrity. Circumstances connected with the antecedent history of Poland, the peculiar character of its people, and the geographical position of that country with relation to the three great military monarchies, by which it was surrounded, favored their designs against its independence. "The perpetration of this great political crime was facilitated," says Mr. W., "by the obstinate adherence of the Poles to the radical defects of their national constitution, by their blind intolerance in religious matters, and factious dissensions in political concerns." The absurd and barbarous institution of the *liberum veto*, which legalized anarchy, could only be elicited by exercising the right of confederation, which legalized rebellion. These faults rendered them an easy prey to the powerful military monarchies by which they were surrounded, but are far from excusing the original act of violence, which has been consummated in our own times by the total extinction of Polish independence. John Casimir, the last King of Poland of the house of Wassa, predicted the consequences of the internal dissensions by which the nation was distracted in his time. In a speech addressed to the National Diet, in 1661, he said: "In the midst of our internal dissensions we have to fear the invasion and dismemberment of the republic. The Muses, (God grant that I may prove a false prophet!) will subdue the people who speak their language; the Grand Duchy of Lithuania, Great Poland, and Prussia, will fall into the hands of the house of Brandenburg; and Austria will not forget herself in the general devastation: her share will be Cracow and the surrounding territory."

"The time was come," continues Mr. W., "when these prophetic words were to be fulfilled. Stanislaus Poniatowski was raised to the throne of Poland, in 1764, by the influence of Catherine II. of Russia. The non-Catholic subjects of the Republic—both Greeks and Protestants—claimed her powerful protection against the oppression of the dominant church. Frederick II. of Prussia, who was then left without a single ally against his inveterate enemy, the house of Austria, formed a secret convention with the Empress of Russia, by which he engaged to sustain her measures in favor of the Confederation which the dissidents had formed against the National Diet. A Prussian army occupied Poland, and a treaty of alliance was concluded in 1768, between the Empress and the Republic, by which the anarchical constitution of the *liberum veto* was guaranteed, and the toleration of the dissidents secured. The anarchy of Poland was thus perpetuated under Russian protection, seconded by the selfish and shortsighted policy of Prussia. The discontented party formed the Confederation of Bar under the patronage of France, and took up arms to expel the foreign intruders."

"In this state of things the Austrian troops crossed the southern border of Poland, in 1770, under pretext of setting up monuments to mark the boundaries of Hungary. They occupied the rich salt mines of Bochnia and Wieliczka, the principal sources of the revenues of the Polish Kings. Frederick II. availed himself of the pretext of a contagious disease, which desolated the country, to enter Great Poland with a sanitary cordon. Stanislaus Poniatowski appealed, in 1771, to his protector, Catherine II., against these aggressions. The Empress was then engaged in war with the Turks, which, though successful, exhausted her resources, and which she was desirous of speedily terminating on advantageous terms. Prince Kaunitz, the Austrian Minister, had already made a secret convention with the Porte, by which Austria stipulated to compel Russia to make peace on the basis of the *status quo*. Austria sought

to engage Frederick II. to remain neutral in case war between the two empires should be the consequence of the Empress persisting in her designs upon Turkey. Frederick declared in favor of Russia, but sent his brother, Prince Henry, to the Court of Catherine, in order to endeavor to persuade her to consent to moderate the conditions of peace she required from the Porte. Catherine communicated to Prince Henry the intelligence she had just received of the Austrian invasion of the Polish frontier; adding that "Poland seemed to be a country where it was only necessary to stoop in order to pick up what one would. If Austria chose to take a piece of that country, the other neighboring States had as good a right to do the same." Upon this hint Prince Henry spoke, and developed a plan for the partition of Poland, by which Catherine might aggrandize her own empire without exciting the jealousy of Austria, which power could not look with the same indifference on the dismemberment of Turkey; whilst Prussia might receive, in such an arrangement, a compensation for the sacrifices she had made to the Russian alliance."

Kaunitz, who wished to avoid the odium of being considered the author of the partition project, and to quiet the scruples of conscience felt or affected by the Empress Maria Theresa, endeavored to get Russia to make the first proposition. For this purpose he declared to Prince Gallitzin, the Russian Ambassador at Vienna, in October, 1771, that the Austrian Court would not consent to mediate for peace between Russia and the Porte, upon the terms which had been proposed by the former, and were finally stipulated at Kainardji, in 1774, unless Russia would give the most positive assurances that she had no intention to dismember Poland, either for her own benefit or that of others—"it being, however, well understood that Austria intended to reclaim territories in the county of Zips, formerly belonging to Hungary, and mortgaged to the Republic." Kaunitz enlarged upon the interminable difficulties to which any attempt at a partition of Poland would lead, and left Gallitzin firmly convinced that Austria was impatient to concur in the views of Russia and Prussia. The Russian ambassador was accordingly instructed to answer that both these powers had also claims upon Poland, which might be adjusted in concert with Austria, so as to preserve that equality which was necessary to maintain the balance of power between the three monarchies. The Austrian minister met this overture by observing that any inequality in the respective shares of the partitioning powers might be corrected by taking a portion of territory from another neighbor who had something to spare. On Gallitzin remarking that this could be no other than the Turkish empire, Kaunitz replied it was that he meant; at the same time recommending the greatest dispatch, secrecy, and mutual confidence. This, he said, was alone necessary in order to prevent the interference of France and England."

"In the mean time the British Cabinet had procured and communicated to the Empress Catherine a copy of the secret convention concluded in July, 1771, between Austria and the Porte, which naturally had the effect of shaking the confidence of the Russian Court in Kaunitz. The two Cabinets of Petersburg and Berlin therefore continued to negotiate directly between themselves the terms of the proposed partition. Exorbitant as were the pretensions of Russia, she still decidedly opposed the acquisition of Dantzic and Thorn by Prussia. Frederick II. finally desisted from this pretension, being doubtless convinced that, once master of the mouths of the Vistula, he would easily be able to compel these towns to submit to his dominion. A convention between the two Courts was consequently concluded at St. Petersburg on the 17th of February, 1773, in which it was stipulated that Austria should be invited to join in the proposed partition. That power accordingly acceded on the 19th of the same month, but demanded for her share nearly one-third of the whole territory of Poland. She was ultimately induced to desist from a part of her pretensions, and a triple convention was signed at St. Peterburg on the 5th of August, 1773, by which all that part of Lithuania north of the Dvina and east of the Nieper was secured to Russia; Galicia and Lodomeria to Austria; and Polish Russia, except Dantzic and Thorn, with Great Poland to the river Netze, to Prussia."

"The three partitioning powers immediately took possession of these territories, and published each a separate manifesto, setting forth the pretended claims upon which they professed to justify this act of violence. In the answer to these manifestos, published by the Polish Government, reference was made to the long series of treaties by which the integrity of the territory peaceably possessed by Poland for several centuries had been solemnly guaranteed by the very powers who now sought to despoil her. The answer also stated that if the antiquated transactions of those remote times were to be resorted to, when possessions were lost and won with so much facility by the sword of the conqueror, Poland herself might claim a just title to vast provinces now held by the partitioning powers, the right to which was only secured by that sacred and salutary principle of prescription which secured the lawful possession of every civilized nation."

"The consent of the national diet assembled at Warsaw in 1773, to the treaties of partition, was extorted by the presence of foreign force. The nuncios of Podolia and Volhynia protested against all that might be done in order to sanction them; but a joint commission named by the Senate and the electoral order finally consented to sign the treaties of 1773, by which the partition was confirmed; the existing vicious constitution of the Republic guaranteed by the partitioning powers, so as not to be subject to alteration without their consent; and a pretext thus furnished for their perpetual interference in the affairs of Poland."—pp. 201—205.

After briefly touching the war of the Bavarian succession in 1778, speedily terminated by the peace of Teschen, on which occasion Russia, as mediator and guarantor, first intruded herself into the internal affairs of Germany; the controversy between the Emperor Joseph II. and Holland respecting the free navigation of the Scheldt in 1781; and the various causes of intervention by the triple alliance of Great Britain, Prussia, and Holland, in the affairs of Belgium, and in the war between Russia and the Porte, the author proceeds to examine the various questions of public law which grew out of the war of American Independence. The right of France to interfere in this faculty quarrel between the mother country and her colonies was contested and an able memoir drawn up by the historian Gibbon; whilst on the other hand the Count de Vergennes maintained her right to acknowledge and to treat with a government existing *de facto*, and capable of maintaining the relations of war and peace. The maritime war which ensued between Great Britain, France, Spain, and Holland, gave rise to the first armed neutrality of the northern powers in 1780, by which the maxim of *free ships, free goods* was asserted by them as forming a part of the public law of Europe, and was asserted by all the belligerent powers except Great Britain. According to Mr. W. this alliance, far from originating in any enlightened and benevolent views of improvement in the laws of war, was the fortuitous result of a court intrigue, and of the rivalry between Panin and Potemkin for the favor of their imperial mistress Catherine II. "Spain and Holland," says he, "having been drawn into the war with Great Britain as the allies of France, the British cabinet, alarmed at this formidable confederacy of the maritime powers which threatened her naval supremacy, turned its attention to Russia, as a power whose friendship and assistance might be secured

the application of suitable means. Sir James Harris (afterwards Lord Malmesbury) was instructed to sound the disposition of the Empress Catherine, and for this purpose addressed himself both to Panin, Chancellor of the Empire, and to Potemkin, the reigning favorite of that princess. The former was unfavorable to the views of the British government; but the latter opened to their ambassador the means of secret conference with the Empress, who consented to propose her armed mediation in the war between Great Britain on one side, and France, Spain, and the United States on the other, as an equivalent for Russia being allowed to prosecute her designs against the Turkish empire. But the inclinations of the Empress were resisted by Panin, who endeavored to convince her that the true interests of the Russian State would not be promoted by such an alliance; and an official answer was accordingly returned declining the British overtures. Harris was disconcerted by this unexpected result, but received assurances from Potemkin, in the name of the Empress, of unchanged good will, and an expression of the hope that circumstances would soon enable her to conform her conduct to her wishes."

"An incident now occurred which seemed to favor the designs of the British negotiator. Two Russian vessels, laden with corn, and bound to the Mediterranean, were seized by Spanish cruisers, upon the ground that they were intended to supply the fortress of Gibraltar. The Empress instantly demanded satisfaction from the Spanish court, and was persuaded by Potemkin to order the equipment of a fleet at Constantinople, without consulting Panin, which was destined to co-operate with Great Britain against Spain and her allies, in case redress should be refused for the capture of the Russian merchant vessels. The fitting out of the fleet could not long be concealed from Panin, nor did he doubt its real destination. But he determined to carry into effect his own views by apparently opposing the designs of the Empress, he declared that he himself participated in her just indignation at the conduct of Spain, and entirely approved of her determination to require satisfaction for the injury done to the neutral navigation of her subjects engaged in a lawful commerce. He would even go further; he would exhort his sovereign to seize this opportunity of solemnly announcing to Europe, that she would not suffer the wars waged by other powers to effect injuriously the accustomed trade of Russia. He represented that such a course would secure the friendship and co-operation of all the neutral maritime powers, and would compel Spain to grant complete satisfaction for the injury she had committed. The true principles of neutrality sanctioned by the natural law of nations had been hitherto too little respected in practice. They had hitherto lacked the support of a sovereign uniting sufficient power, wisdom, and benevolence to cause them to be respected. These requisites were now united in Catherine, and she had an opportunity of acquiring new titles to fame, of becoming a law-giver to the seas, of restraining the barbarous excesses of maritime warfare, and of affording to the peaceful commerce of neutrals such a security as it never had possessed."

"The Empress was completely carried away by these representations so flattering to her pride and ambition. She ordered Panin to prepare a statement of the principles he had developed to be communicated to the belligerent powers as the rules to be observed for the security of Russian navigation and commerce, and to neutral states as the basis of an armed league to be formed between them for the protection of neutral maritime rights."

"Such was the origin of the first armed neutrality of 1780. It sprang from no enlarged and benevolent views of improvement in the maritime law of nations hitherto sanctioned by general practice. It was the accidental result of a mere court intrigue, and of the rivalry between two candidates for the favor of a dissolute, ambitious, and vainglorious woman. Catherine herself had a very imperfect idea of the immense importance of the measure she had adopted, and of the effects it might produce. So ignorant was she of commerce, that she flattered herself with having, at once vindicated her own honor, and shown her strong regard for her ally Great Britain. Panin took care not to undeceive her, and fearing that his intrigue might fail, begged that she would not communicate with any one until the couriers were sent off to the different courts of Europe with the declaration which afterwards became the basis of the armed neutrality. But she could not refrain from saying confidentially to the British Ambassador, that there would soon be delivered, in her name, to all the belligerent powers, a manifesto which would be completely satisfactory to the British Government, and condescended even to give him leave to communicate such much to his court. The communication, which he accordingly made, raised its expectations to the highest pitch, and the disappointment was proportionally greater when the British Government was made acquainted with the real nature of the measures adopted by the Russian cabinet."—pp. 22, pp. 224.

The principles of the armed neutrality soon became the object of polemic controversy among the public jurists of Europe. They were defended by the celebrated Neapolitan able GALLIANI, in a treatise on the relative duties of belligerents and neutrals, published in 1782. LAMFREDE, another Italian public jurist of superior talents and learning, published, in 1788, a treatise on Neutral Commerce in Time of War. A complete analysis of these two important works is given by Mr. W., who closes this third period of his history with an account of JEREMY BENTHAM's plan for establishing a perpetual peace between nations, founded on the same basis with that of Rousseau and St. Pierre—that of a general confederation of states, with power to adjust all controversies of all such schemes is, that they furnish no effectual security for preventing the league thus formed from falling under the exclusive influence of its most powerful members. The recent experience both of the Holy Alliance and of the Germanic Confederation, shows the difficulty of reconciling such Amphibionian confederations with the preservation of the sovereign rights and independence of the co-states of the second order.—The right of perpetual superintendence and occasional intervention, which the five great powers of Europe arrogated to themselves, would have been fatal, had they remained united in their views, to the rights and independence of every other nation. So, also, in the affairs of the Germanic Confederation whenever the two great preponderating powers, Austria and Prussia, are united in their views, the decrees of the Federal Diet are implicitly conformed to the dictates of the Cabinets of Vienna and Berlin. Perpetual peace would be purchased too dearly at such a price."

The fourth period opens with a discussion of the principles on which the allied powers attempted to justify their armed interference in the internal affairs of France on the breaking out of the first revolution in 1789. The war which ensued revived once more the old controversy respecting the rights of neutral commerce and navigation. The Empress Catherine, engaged in the crusade against the French revolution, forgot the fine maxims she had proclaimed on this subject in 1780. Russia, Great Britain, and the other powers allied against France, entered into a mutual engagement "to prevent, by their joint efforts, on this occasion of common concern to every civilized state, those powers not conjoined against France from giving any protection whatsoever, directly or indirectly, to French commerce or property on the high seas or in the ports of France." Neutral res-